SUPPLEMENT TO TRAV. GOV. GAZETTE No. 20
DATED 15TH DHANU 1117/30TH DEC. 1941.

Act XII of 1117.

THE TRAVANCORE AGRICULTURAL PRODUCE (GRADING AND MARKING) ACT, 1117.

AN ACT TO PROVIDE FOR GRADING AND MARKING OF AGRICULTURAL PRODUCE.

PASSED BY HIS HIGHNESS THE MAHARAJA OF TRAVANCORE UNDER DATE THE 10TH DHANU 1117 CORRESPONDING TO THE 25TH DECEMBER 1941 UNDER SECTION 23 OF ACT II OF 1108.

Preamble.

WHEREAS it is expedient to provide for the grading and marking of agricultural produce; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (i) This Act may be called the Travancore Agricultural Produce (Grading and Marking) Act, 1117.

(ii) It extends to the whole of Travancore.

(iii) It shall come into force at once.

Definitions.

2. In this Act, unless the contrary appears from the subject or context,—

(a) "agricultural produce includes" all produce of agriculture or horticulture and all articles of food or drink wholly or partly manufactured from any such produce, and fleeces and the skins of animals;

(b) "counterfeit" has the meaning assigned to that word by Section 22 of the Travancore Penal Code;

(c) "covering" includes any vessel, box, crate, wrapper, tray or other container ;

(d) "grade designation" means a designation prescribed as indicative of the quality of any scheduled article ;

(e) "grade designation mark" means a mark prescribed as representing a particular grade designation ;

(f) "quality" in relation to any article, includes the state and condition of the article ;

(g) "prescribed" means prescribed by rules made under this Act ;

(h) "scheduled article" means an article included in the schedule ; and

(i) an article is said to be marked with a grade designation mark, if the article itself is marked with a grade designation mark or any covering containing or label attached to such article is so marked.

Prescription of grade designations.

3. Our Government may, after previous publication by notification in Our Government Gazette, make rules—

(a) fixing grade designations to indicate the quality of any scheduled article ;

(b) defining the quality indicated by every grade designation ;

(c) specifying grade designation marks to represent particular grade designations ;

(d) authorising a person or a body of persons subject to any prescribed conditions, to mark with a grade designation mark any article in respect of which such mark has been prescribed or any covering containing or label attached to any such article;

(e) specifying the conditions referred to in clause (d) including in respect of any article conditions as to the manner of marking, the manner in which the article shall be packed, the type of covering to be used, and the quantity by weight, number or otherwise to be included in each covering ;

(f) providing for the payment of any expenses incurred in connection with the manufacture or use of any implement necessary for the reproduction of a grade designation mark or with the manufacture or use of any covering or label marked with a grade designation mark; and

(*g*) providing for the confiscation and disposal of produce marked otherwise than in accordance with the prescribed conditions with a grade designation mark.

Penalty for unauthorised marking with grade designation mark.

4. Whoever marks any scheduled article with a grade designation mark, not being authorised to do so by rules made under Section 3 shall be punishable with fine which may extend to five hundred rupees.

Penalty for counterfeiting grade designation mark.

5. Whoever counterfeits any grade designation mark or has in his possession any die, plate or other instrument for the purpose of counterfeiting a grade designation mark shall be punishable with imprisonment which may extend to two years, or with fine or with both.

Extension of application of Act.

6. Our Government, after such consultation as it thinks fit of the interests likely to be affected, may by notification in Our Government Gazette declare that the provisions of this Act shall apply to an article of agricultural produce not included in the Schedule, and on the publication of such notification such article shall be deemed to be included in the Schedule.

THE SCHEDULE.

(*See Section 2*)

1. Fruit.
2. Vegetables.
3. Eggs.
4. Dairy Produce.
5. Hides and skins.
6. Fruit Products.
7. Rice.

SIGN MANUAL.

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TRIVANDRUM ; 1941.

SUPPLEMENT TO TRAV. GOV. GAZETTE No. 20,
DATED 15TH DHANU 1117/30TH DEC. 1941.

Act XIII of 1117.

THE TRAVANCORE FISHERIES (AMENDMENT) ACT, 1117.

PASSED BY HIS HIGHNESS THE MAHARAJA OF TRAVANCORE UNDER DATE THE 10TH DHANU 1117 CORRESPONDING TO THE 25TH DECEMBER 1941 UNDER SECTION 23 OF ACT II OF 1108.

Preamble.

Whereas it is expedient to amend the Travancore Fisheries Act, XI of 1097, for certain purposes; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (i) This Act may be called the Travancore Fisheries (Amendment) Act, 1117.

(ii) It extends to the whole of Travancore.

(iii) It shall come into force at once.

Amendment to Section 23, Act XI of 1097.

2. In Section 23 of the Travancore Fisheries Act, XI of 1097, (hereinafter referred to as the said Act) the following shall be added as an Explanation to that section, namely:—

"Explanation.—For purposes of this section, the word 'water' includes the sea within a distance of one marine league of the sea coast."

Addition of a new section to Act XI of 1097.

3. After Section 23 of the said Act, the following new section shall be added, namely:—

"21. (1) Notwithstanding anything contained in any other provisions of this Act or any law or custom having the force of law, it shall be unlawful for any person except under a license, and in accordance with the terms and conditions, if any, prescribed by rules made under this section, to attract prawns or cause or allow migration of prawns into private waters from any waters notified under sub-section (1) of Section 5 by the use of sluices, openings, alluring lights or other contrivances and catch, destroy, cause injury to or prevent escape of any such fish by the use of nets, gratings, gears or any other means whatsoever.

Prohibition against attracting prawns into private waters except under a license.

(2) Any person contravening the provisions of sub-section (1) shall, on conviction, be liable to a fine not exceeding two hundred rupees.

(3) Our Government may make rules for the purpose of giving effect to the provisions of this section and prescribe therein the terms and conditions under which a license may be issued.

(4) Fee at such rates as may be fixed by Our Government by rules made under sub-section (3) shall be paid in respect of every license issued under sub-section (1):

Provided that the fee payable for any such license shall not exceed a sum calculated at rupees four per acre of the private waters into which prawns are attracted or caused or allowed to migrate.

(5) The breach of any rule made under sub-section (3) or of the conditions of any license issued under sub-section (1) shall be punishable with fine which may extend to one hundred rupees."

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SUPPLEMENT TO TRAV. GOV. GAZETTE No. 20.
DATED 15TH DHANU 1117/30TH DEC. 1941.

Act XIV fo 1117.

THE TRAVANCORE CUTCHI MEMONS ACT, 1117.

PASSED BY HIS HIGHNESS THE MAHARAJA OF TRAVANCORE UNDER DATE THE 10TH DHANU 1117 CORRESPONDING TO THE 25TH DECEMBER 1941 UNDER SECTION 23 OF ACT II OF 1108.

WHEREAS it is expedient that all Cutchi Memons be governed in matters of succession and inheritance by the Muhamedan Law: It is hereby enacted as follows: —

Short title and commencement.

1. (1) This Act may be called the Travancore Cutchi Memons Act, 1117.

(2) It shall come into force at once.

Cutchi Memons to be governed in certain matters by Muhamedan Law.

2. Subject to the provisions of Section 3, all Cutchi Memons shall, in matters of succession and inheritance, be governed by the Muhamedan Law.

Savings.

3. Nothing in this Act shall affect any right or liability acquired or incurred before its commencement, or any legal proceeding or remedy in respect of any such right or liability; and any such legal proceeding or remedy may be continued or enforced as if this Act had not been passed.

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TRIVANDRUM, 1941

SUPPLEMENT TO TRAV. GOV. GAZETTE No. 20.
DATED 15TH DHANU 1117/30TH DEC. 1941.

Act XV of 1117.

THE TRAVANCORE POLICE (AMENDMENT) ACT, 1117.

PASSED BY HIS HIGHNESS THE MAHARAJA OF TRAVANCORE UNDER DATE THE 10TH DHANU 1117 CORRESPONDING TO THE 25TH DECEMBER 1941 UNDER SECTION 23 OF ACT II OF 1108.

Preamble.

Whereas it is expedient further to amend the Travancore Police Act of 1095, (Act IV of 1095) as amended by Act IX of 1108 for a certain purpose: It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Travancore Police (Amendment) Act, 1117.

(2) It extends in the first instance to the Municipalities including the City of Trivandrum, and thereafter to such other places in the State as may from time to time be notified in this behalf by Our Government in Our Government Gazette.

(3) It shall come into force at once.

Insertion of a new section 37—A in Act IV of 1095.

2. After Section 37 of the Travancore Police Act of 1095, (Act IV of 1095) as amended by Act IX of 1108, the following new section shall be added, namely:—

Pawn-brokers, etc., to report stolen property if tendered for pawn or for sale.

"37—A. Any officer of Police may deliver to any pawn-broker, dealer in second-hand property or worker in metals a list of any property believed to have been stolen, and thereupon it shall be the duty of such pawn-broker, dealer or worker as aforesaid, upon any article answering the description of any of the property set forth in an

such list being offered him in pawn, for sale or otherwise, to inquire the name and address of the party offering such article, to seize and detain the article, and forthwith to communicate to the nearest Police Station the fact of such article having been offered and such name and address as may be given by the party offering it. Any pawn-broker, dealer or worker as aforesaid failing to comply with the requirements of this section without reasonable excuse shall be liable on conviction to fine not exceeding fifty rupees for every such offence. Such pawn-broker, dealer or worker as aforesaid may also detain, any person offering such article as aforesaid pending the arrival of the Police."

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PRINTED AND PUBLISHED BY THE SUPERINTENDENT, GOVERNMENT PRESS, TRIVANDRUM. 1911.

SUPPLEMENT TO TRAVANCORE GOVT. GAZETTE No. 20.
DATED 30TH DEC. 1941/15TH DHANU 1117.

Act XVI of 1117.

THE TRAVANCORE SUPPRESSION OF IMMORAL TRAFFIC ACT, 1117

AN ACT FOR THE SUPPRESSION OF BROTHELS AND IMMORAL TRAFFIC.

PASSED BY HIS HIGHNESS THE MAHARAJA OF TRAVANCORE UNDER DATE THE 10TH DHANU 1117 CORRESPONDING TO THE 25TH DECEMBER 1941 UNDER SECTION 23 OF ACT II OF 1108.

Preamble.

Whereas it is expedient to make better provision for the suppression of brothels and of traffic in women in Travancore; It is hereby enacted as follows:—

Short Title.

1. This Act may be called the Travancore Suppression of Immoral Traffic Act, 1117.

Extent and commencement.

2. Our Government may, from time to time, by notification in Our Government Gazette, apply all or any of the provisions of this Act to the whole or any portion of Travancore from such date as may be specified in the notification, and may cancel or modify any such notification.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Brothel" means any house, room, or place which the occupier or person in charge thereof habitually allows to be used by any other person for the purpose of prostitution.

(b) "Magistrate" means a salaried Magistrate of the First Class.

(c) "Prostitution" means promiscuous sexual intercourse for hire.

Punishment for keeping a brothel or allowing premises to be used as a brothel.

4. (1) Any person who keeps or manages or acts or assists in the management of a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Any person who,

(a) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel ; or

(b) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under sub-section (1) or clause (a) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel ;

shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lessee, tenant, or occupier thereof has been convicted under clause (a) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation.

Punishment for living on the earnings of prostitution or aiding prostitution.

5. Any person not below the age of eighteen years who lives with or habitually keeps company with or exercises control, direction or influence over the movements of, a person living in prostitution, in such a manner as to show that such person is aiding, abetting or compelling her prostitution with any other person or generally shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

Importing etc., of women for prostitution.

6. Any person who takes or attempts to take or causes to be taken from one place to another any woman with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman to carry on the business of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

Detention for prostitution in brothel or with intent.

7. (1) Any person who detains any woman against her will—

(a) in any house, room or place in which the business of prostitution is carried on, or

(b) in or upon any premises with intent that she may have sexual intercourse with any man other than her lawful husband,

shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) A person shall be presumed to detain a woman who is in any house, room or place in which the business of prostitution is carried on, or in or upon any premises for the purpose of sexual intercourse with a man other than her lawful husband, if such person, with intent to compel or induce her to remain there,

(a) withholds from her any jewellery, wearing apparel or other property belonging to her, or

(b) threatens her with legal proceedings if she takes away with her any jewellery or wearing apparel lent or supplied to her by or by the direction of such person.

(3) Notwithstanding any law to the contrary, such a woman shall not be liable to be proceeded against civilly or criminally for taking away or being found in possession of any jewel, wearing apparel, money or other property alleged to have been lent or supplied to, or to have been pledged by such woman by or to the person by whom she has been detained.

Procuration.

8. Any person who induces a woman to go from any place with intent that she may, for the purposes of prostitution become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

Soliciting for purposes of prostitution.

9. Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place whether from within any house or building or not

(a) by words, gestures, wilful and indecent exposure of his person or otherwise attracts or endeavours to attract attention for the purpose of prostitution or carnal intercourse, or

(b) solicits or molests any person for the purpose of prostitution or carnal intercourse,

shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees.

Arrest without a warrant.

10. (1) Any Police Officer not below the rank of Inspector may arrest without a warrant any person committing any offence punishable under Section 9.

(2) Any Police Officer not below the rank of Inspector may without an order from a Magistrate and without a warrant arrest any person who has been concerned in any offence punishable under Section 7 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in an offence under that section.

Trial of offences.

11. No Court inferior to that of a Magistrate as defined in clause (b) of Section 3 shall try any offence under this Act.

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PRINTED AND PUBLISHED BY THE SUPERINTENDENT, GOVERNMENT PRESS,
TRIVANDRUM : 1941

SUPPLEMENT TO TRAVANCORE GOVT. GAZETTE No. 20.
Dated 30th Dec. 1941/15th Dhanu 1117.

Act XVII of 1117.

THE PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) ACT, 1117.

Passed by His Highness the Maharaja of Travancore under date the 10th Dhanu 1117 corresponding to the 25th December 1941 under Section 23 of Act II of 1108.

Preamble.

Whereas it is expedient further to amend the Prevention of Cruelty to Animals Act (IV of 1079) as amended by Acts II of 1089 and X of 1096, for certain purposes; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Prevention of Cruelty to Animals (Amendment) Act, 1117.

(2) It shall come into force at once.

Amendment of Section 1, Act IV of 1079.

2. For sub-sections (2) and (3) of Section 1 of the Prevention of Cruelty to Animals Act (IV of 1079) as amended by Acts II of 1089 and X of 1096 (hereinafter referred to as the said Act), the following sub-section shall be substituted, namely :—

"(2) Our Government may, by notification in Our Government Gazette, extend, on and from a date to be specified in the notification, the whole or any part of this Act to such local areas as may be specified in such notification, and may by like notification cancel or vary any such notification."

3. For Section 3 of the said Act, the following shall be substituted, namely :—

Amendment of Section 3, Act IV of 1079.

"3. If any person (*a*) overdrives, beats, or otherwise treats any animal so as to subject it to unnecessary pain or suffering, or

Penalty for cruelty to animals, and for sale of animals killed with unnecessary cruelty

(*b*) binds, keeps, carries or consigns for carriage any animal in such manner or position as to subject it to unnecessary pain or suffering, or

(*c*) offers for sale or without reasonable cause has in his possession any live animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment, or

(*d*) offers for sale any dead animal or part of a dead animal which he has reason to believe has been killed in an unnecessarily cruel manner, or

(*e*) without reasonable cause abandons any animal in circumstances which render it likely that it will suffer pain by reason of starvation or thirst,

he shall be punished with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to one month or with both."

4. After Section 3 of the said Act, the following section shall be inserted, namely:—

Insertion of a new Section 3 A in Act IV of 1079.

"3 A. (1) If any person overloads any animal, he shall be punished with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to one month.

Penalty for overloading animals.

(2) If the owner of any animal, or any person who, either as a trader, carrier or contractor or by virtue of his employment by a trader, carrier or contractor, is in possession of, or in control of the loading of, any animal, permits the overloading of such animal, he shall be punished with fine which may extend to one hundred rupees."

5. In Section 6 of the said Act, the brackets and figure "(1)" at the beginning of sub-section (1) shall be omitted and sub-sections (2) to (6) shall be omitted.

Amendment of Section 6, Act IV of 1079.

6. After Section 6 of the said Act, the following sections shall be inserted, namely :—

Insertion of new Sections 6 A and 6 B in Act IV of 1079.

"6A. For the purposes of Sections 3A and 6 an owner or other person in possession or control of an animal shall be deemed to have permitted an offence if he has failed to exercise reasonable care and supervision with a view to the prevention of such offence.

Interpretation.

6 B. (1) Our Government may, by general or special order, appoint infirmaries for the treatment and care of animals in respect of which offences against this Act have been committed, and may authorise the detention therein of any animal pending its production before a Magistrate.

Treatment and care of animals.

(2) The Magistrate before whom a prosecution for an offence against this Act has been instituted may direct that the animal concerned shall be treated and cared for in an infirmary, until it is fit to perform its usual work or is otherwise fit for discharge, or if the Veterinary Officer in charge of the area in which the animal is found or such other Veterinary Officer, as may be authorised in this behalf by rules made under Section 10 A, certifies that it is incurable or cannot be removed without cruelty, that it shall be destroyed.

(3) An animal sent for care and treatment to an infirmary shall not, unless the Magistrate directs that it shall be sent to a Veterinary hospital or that it shall be destroyed, be released from such place except upon a certificate of its fitness for discharge issued by the Veterinary Officer in charge of the area in which the infirmary is situated or such other Veterinary Officer as may be authorised in this behalf by rules made under Section 10 A.

(4) The cost of transporting an animal to an infirmary or Veterinary hospital, and of its maintenance and treatment in an infirmary, shall be payable by the owner of the animal in accordance with a scale of rates to be prescribed by Our Government:

Provided that when the Magistrate so orders, on account of the poverty of the owner of the animal, no charge shall be payable for the treatment of the animal.

(5) If the owner refuses or neglects to pay such cost or to remove the animal within such time as a Magistrate may prescribe, the Magistrate may direct that the animal be sold and that the proceeds of the sale be applied to the payment of such cost.

(6) The surplus, if any, of the proceeds of such sale shall, on application made by the owner within two months from the date of the sale, be paid to him."

7. In Section 7 of the said Act,—

Amendment of Section 7, Act IV of 1079.

(a) after the word "owner," in both places where it occurs, the words "or is in charge" shall be inserted;

(b) after the word "rupees," the following words shall be added, namely:—

"where he is the owner of the animal, or to fifty rupees where he is in charge of but not the owner of the animal."

8. After Section 8A, the following shall be inserted as Section 8B:

Insertion of a new Section 8B in Act IV of 1079.

"8B. (1) If a District Magistrate, Magistrate of the First or Second Class, the Inspector-General of Police, or the District Superintendent of Police upon information in writing and after such inquiry as he thinks necessary, has reason to believe that an offence against this Act is being or is about to be or has been committed in any place, he may either himself enter and search or by his warrant authorise any Police officer not below the rank of a Head Constable to enter and search the place.

Power of search and seizure.

(2) The provisions of the Code of Criminal Procedure relating to searches under that Code shall so far as those provisions can be made applicable apply to search under sub-section (1)."

9. Section 9 shall be numbered as sub-section (1) and the following shall be added as sub-section (2), namely:—

Amendment of Section 9, Act IV of 1079.

"(2) Any Police officer who finds any animal so diseased or so severely injured or in such a physical condition that it cannot, in his opinion, be removed without cruelty, may, if the owner is absent or refuses to consent to the destruction of the animal, forthwith summon the Veterinary Officer in charge of the area in which the animal is found and if the Veterinary Officer certifies that the animal is mortally injured or so severely injured or in such a physical condition that its destruction is desirable, the Police officer may, after obtaining orders from a Magistrate, destroy the animal or cause it to be destroyed."

10. For Section 10 of the said Act, the following section shall be substituted, namely:—

Substitution of a new section for Section 10 in Act IV of 1079.

"10. Any Police officer who has reason to believe that an offence against this Act has been or is being committed in respect of any animal, may, if in his opinion the circumstances so require, seize the animal and produce the same for examination by the nearest Magistrate or by such Veterinary Officer as may be designated in this behalf by rules made under Section 10A, and such Police officer may, when seizing the animal, require the person in charge thereof to accompany it to the place of examination."

General power of seizure for examination.

11. After Section 10 of the said Act, the following sections shall be inserted, namely:—

Insertion of two new Sections 10A and 10B in Act IV of 1079.

"10A. (1) Our Government may, by notification in Our Government Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, Our Government may make rules—

(a) prescribing the maximum weight of loads to be carried or drawn by any animal;

(b) prescribing conditions to prevent the overcrowding of animals;

(c) prescribing the period during which, and the hours between which, buffaloes shall not be used for draught purposes;

(d) prescribing the purposes to which fines realized under this Act may be applied including such purposes as the maintenance of infirmaries and veterinary hospitals;

(e) prohibiting the use of any bit or harness involving cruelty;

(f) requiring persons carrying on the business of a farrier to be licensed and registered; and

(g) prescribing the manner in which cattle may be impounded in any place appointed for the purpose, so as to secure the provision of adequate space, food and water.

(3) If any person contravenes, or abets the contravention of, any rule made under this section, he shall be punished with fine which may extend to fifty rupees.

10.B. No suit, prosecution or other legal proceeding shall lie against any person who is, or who is deemed to be, a public servant within the meaning of Section 15 of the Travancore Penal Code, in respect of anything in good faith done or intended to be done under this Act."

Indemnity.

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